

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JR 1, *et al.*,

Plaintiffs,

v.

Case No. 23-cv-12164

Hon. Matthew F. Leitman

TIMOTHY HERTZ, *et al.*,

Defendants.

**ORDER (1) DIRECTING WITNESS WILLIAM GIBBONS TO
PERSONALLY APPEAR AT HEARING ON PLAINTIFFS' MOTION
FOR CONTEMPT (ECF No. 24) AND (2) DIRECTING PLAINTIFFS
TO SERVE MOTION, NOTICE OF HEARING, AND THIS
ORDER ON GIBBONS**

In this action, Plaintiffs seek damages arising out of a motor vehicle accident that occurred on August 16, 2020. (*See* Compl., ECF No. 1.) On February 9, 2024, Plaintiffs served a subpoena for a deposition on third-party witness William Gibbons. (*See* Subpoena, ECF No. 24-2.) Plaintiffs say that Gibbons is a “relevant and critical witness” in this case because he “not only interacted and observed [the driver of the car that was involved in the accident] and the minor Plaintiffs during the subject incident(s), but was also arrested by some or all of the individual [] Defendants on the night of the subject incident(s).” (Mot., ECF No. 24, PageID.254.) Gibbons did not appear for that deposition. (*See id.*, PageID.255.) Plaintiffs further

assert that Gibbons has repeatedly ignored other subpoenas and court order(s) arising out of this incident in related state-court litigation. (*See id.*, PageID.255-257.)

Accordingly, on April 4, 2024, Plaintiffs filed a motion in which they asked the Court to “enter an Order holding William Gibbons in civil contempt, and issue a warrant for his arrest.” (*Id.*, PageID.261.) The Court has scheduled an in person hearing on Plaintiffs’ motion for **May 16, 2024, at 1:00 p.m.** in Courtroom 207 of the Detroit federal courthouse, 231 W. Lafayette Blvd., Detroit, Michigan 48226. (*See* Notice of Hearing, ECF No. 25.) The Court **ORDERS** Plaintiffs’ counsel, Defendants’ counsel, *and* Gibbons to all *personally attend* the hearing.

By no later than **April 26, 2024**, Plaintiffs’ counsel shall personally serve Gibbons with (1) Plaintiffs’ motion for contempt (ECF No. 24), (2) the Notice of Hearing (ECF No. 25), and (3) this order.

In addition, by no later than **April 26, 2024**, Plaintiffs’ counsel shall file a proof of service on the docket confirming that Gibbons has been personally served with the documents identified above.

IT IS SO ORDERED.

Dated: April 5, 2024

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 5, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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